

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

|  |   |                         |
|--|---|-------------------------|
| <b>BEST MEDICAL INTERNATIONAL, INC.,</b> | ) |                         |
|  | ) |                         |
| Plaintiff,                               | ) |                         |
|  | ) | <b>2:10-cv-1043-TFM</b> |
| v.                                       | ) |                         |
|  | ) |                         |
| <b>ACCURAY, INC., a corporation,</b>     | ) |                         |
|  | ) |                         |
| Defendant.                               | ) |                         |
|  | ) |                         |

**FOURTH AMENDED CASE MANAGEMENT/SCEDULING ORDER**

**AND NOW**, this 21st day of January, 2014, **IT IS ORDERED** that this action is subject to the Local Patent Rules of this Court for pretrial proceedings and all provisions of the Rules will be strictly enforced.

**IT IS ALSO ORDERED** that counsel shall confer with their clients prior to all case management/scheduling, status, or pretrial conferences to obtain authority to participate in settlement negotiations which may be conducted or ordered by the Court.

**IT IS FURTHER ORDERED** that compliance with provisions of Local Rule 16.1 and the Local Patent Rules shall be completed as follows:

- (1) Responses to any non-dispositive motion are due within seven (7) calendar days of the filing of said motion with the Clerk of Court;
- (2) The parties shall complete fact discovery by **January 17, 2014**, except for fact depositions, which may be completed after the January 17, 2014 deadline for completion of fact discovery;
- (3) Each party shall make its initial expert witness disclosures, as required under Fed.R.Civ.P 26, no later than thirty (30) days after the close of fact discovery;
- (4) Rebuttal expert witness disclosures are to be made no later than thirty (30) days after the service of initial expert witness disclosures;
- (5) Depositions of expert witnesses, if any, shall be completed no later than forty-five (45) days after the service of rebuttal expert witness disclosures; and
- (6) The Court shall conduct a Post-Discovery Status Conference following the completion of fact discovery on a date to be scheduled by the Court in Courtroom 6C, United States Courthouse, Pittsburgh, Pennsylvania, and all trial counsel **must** attend.

The parties shall be prepared at that time to schedule deadlines for the filing of summary judgment motions, pretrial statements, motions *in limine* and *Daubert* motions, as well as dates for the pretrial conference and trial.

BY THE COURT:

s/ Terrence F. McVerry

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TERRENCE F. MCVERRY  
SENIOR DISTRICT JUDGE

cc:

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